

**Proposed Substitute  
Bill No. 247**

LCO No. 3395

**AN ACT CONCERNING A CAUSE OF ACTION FOR LOSS OF  
CONSORTIUM BY A MINOR CHILD WITH RESPECT TO THE DEATH  
OF A PARENT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage and applicable to any civil*  
2       *action pending on or filed after October 6, 2015*) Any claim or cause of  
3       action for loss of consortium by a minor child with respect to the death  
4       of a parent shall be separate from and independent of all claims or  
5       causes of action for the determination of damages with respect to such  
6       death. Any claim brought pursuant to this section shall be derivative to  
7       the claim for wrongful death to the same extent as claims for loss of  
8       spousal consortium brought pursuant to section 52-555a of the general  
9       statutes.

10       Sec. 2. (NEW) (*Effective from passage and applicable to any civil action*  
11       *pending on or filed after October 6, 2015*) Any claim or cause of action for  
12       loss of consortium by a minor child with respect to the death of a  
13       parent, which claim or cause of action may include, without limitation,  
14       claims for damages with respect to the loss of love, care,  
15       companionship and guidance provided by the parent, suffered because  
16       of the death of the parent. Only the minor child raising the claim shall  
17       recover the pecuniary value of the parent's services to such child. Any  
18       such claim or cause of action shall be brought with or joined with the

19 claims and causes of action with respect to the death of the parent.

20       Sec. 3. (NEW) (*Effective from passage and applicable to any civil action*  
21 *pending on or filed after October 6, 2015*) (a) No action with respect to any  
22 claim or cause of action for loss of consortium by a minor child shall be  
23 commenced except within the time within which an action may be  
24 commenced with respect to the death of the parent in relation to which  
25 the action for loss of consortium arises.

26       (b) Any claim or cause of action for loss of consortium by a minor  
27 child arising out of the claim or cause of action for the wrongful death  
28 of a parent shall be contingent upon proof of facts sufficient to  
29 establish recovery for the claim or cause of action for wrongful death.  
30 Nothing in this section or sections 1 or 2 of this act shall limit the  
31 assertion of any defenses against the claim or cause of action for loss of  
32 consortium that would be available against the claim or cause of action  
33 for wrongful death.

34       (c) Any claim or cause of action for loss of consortium by a minor  
35 child made pursuant to this section shall be limited to the time period  
36 that the child is a minor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to any civil action pending on or filed after October 6, 2015</i>	New section
Sec. 2	<i>from passage and applicable to any civil action pending on or filed after October 6, 2015</i>	New section
Sec. 3	<i>from passage and applicable to any civil action pending on or filed after October 6, 2015</i>	New section